

Town of North Andover
ZONING BOARD OF APPEALS

Approved
July 23,
13

Albert P. Manzi III, Esq. Chairman
Ellen P. McIntyre, Vice-Chairman
Richard J. Byers, Esq. Clerk
D. Paul Koch Jr. Esq.
Allan Cuscia



Associate Member
Mic P. Liporto
Dene Morganthal
Doug Ludgin
Zoning Enforcement Officer
Gerald A. Brown

DRAFT MINUTES

Thursday, June 13, 2013 at 7:00 PM

Town Hall 120 Main Street, North Andover, Massachusetts

Members present: Ellen McIntyre, Richard Byers D. Paul Koch Jr., Esq., and Allan Cuscia
Associate Member: Michael Liporto and Deney Morganthal
Also in attendance, Jennifer Hughes

McIntyre called this special meeting to order at 7:15

Pledge of Allegiance

Acceptance of Minutes May 16, 2013

Cuscia made the motion to approve the Minutes for May 16, 2013

Koch second the motion.

Those voting in favor to approve the minutes were McIntyre, Koch, Cuscia, and Morganthal
4-0

Byers and Liporto did not vote since they were not in attendance at the May 16th meeting. Byers stated that he would abstain from the vote.

McIntyre stated that the two board members who missed the last meeting have signed forms so they can continue on.

McIntyre also wanted to stress the importance of a full board, as well as the importance of attendance to these meetings, to all the board members. McIntyre stated that if you miss two meetings then you cannot vote on this matter (16 Berry Street), but you are more than welcome to attend the meetings.

Before the meeting began McIntyre wanted to welcome Lisa Eggleston, from Eggleston Environmental, she is the consultant hired by the town for Stormwater/ Drainage and Conservation. McIntyre also wanted to welcomed Jennifer Hughes, she is the Town of North Andover's Conservation Agent. Both Eggleston and Hughes are here to explain, educate and answer any questions that the Board may have regarding these topics tonight. McIntyre stated that the topics tonight are not a specialty of the ZBA Board, since they are a Bylaw Board and tonight's topics are not their expertise. That is why Hughes and Eggleston are here tonight to help the Board understand tonight's topics.

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North Andover Holdings, LLC 16 Berry Street/Riding Academy Preserve, North Andover, MA (Map 106.D, Parcel 0032).

M.G.L. Chapter 40B, Section 21 for a Comprehensive Permit

McIntyre stated the topic tonight is Stormwater/Drainage and Conservation

With that being said Matt Bombaci from GPR walked up to the podium. Bombaci stated that he is a professional engineer for GPR and has also been in charge of layout and design. Bombaci stated we provide a stormwater management system, because it is a good engineering practice and to also provide the necessary treatment for the site in regards to stormwater management. Bombaci talked of the MassDEP Stormwater Handbook that is used.

Bombaci also talked of the 10 Stormwater management standards. Bombaci also spoke of Best Management Practice (BMP) used that addresses groundwater discharge, the ponds, vernal pools, water quality (first flush) retention, and suspended solids removal within sustainable BMP's.

Bombaci also spoke of long term prevention plans so that it does not degrade over time. Bombaci pointed out where the infiltration beds would be located on the plan. Bombaci also spoke of bioretention area and how it will provide a high level of treatment as well as roof runoff and where they would be located on the property. Bombaci also spoke of impervious areas. Stormwater runoff, catch basins, culverts, biofilter swales, dry water quality swales, deep discharge, and treatments, were explained in detail by Bombaci. Bombaci spoke of improving drainage system and not letting the runoff go on the road. He also spoke how they provided swales along the road and how that will keep water from flowing onto Berry Street.

Bombaci spoke of the 2 year storms, 10 year storms and 100 year storms and stated that they take this into account when doing designs.

Bombaci stated that this is a rough overview of his presentation and asked the board if they had any questions.

McIntyre asked Bombaci to explain the map in more detail. Bombaci explained that Ann Marton could explain the map in even better detail than him. Bombaci did state the green colors on the map represented what is within a 100 feet of the wetlands buffer zone.

Bombaci stated that during the week a meeting was held between the consultant and others involved in this project. Based on Eggleston's technical review, some of these concerns resulted in some revisions that needed to be made. Such as increasing the size of these BMP's

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Cuscia had a question and asked of the likelihood of the pond flooding into the cemetery and onto the graveyards.

Bombaci stated that it is unlikely since they have 2 culverts that go into the manhole and into a pond that he pointed to on the map.

McIntyre addressed another question to Bombaci regarding a letter (from June 5th) and questioned the plan on filling in a small portion of wetland.

Bombaci responded back that it is correct, and is jurisdictional under local bylaws only.

Byers stated that Bombaci mentioned that there has never been a history of flooding, but also there has never been history of 6 buildings on this site either. How do you know that there will not be any flooding issues?

Bombaci stated that is why we did this stormwater design and calculations.

Byers asked of where the water goes from the pond. Bombaci responded that they have 2, 24 inch culverts that go into to Farnham Mill Pond and then eventually goes into the Ipswich River.

Liporto asked of the elevation of the pond Bombaci responded 124, but the culvert helps regulate it.

Cuscia pointed to a specific area of the plan and asked if there were any homes there. Bombaci responded no.

McIntyre asked of the various elevations and slopes on the property and asked Bombaci to explain the differences as it relates to flooding. Bombaci explained how the culverts work to prevent any flooding.

Ann Marton, of LEC Environmental walked up to the podium and she stated that she and her company are providing services for wetlands and rare species. Martin also stated that they filed Notice of Intent with Conservation and it was also sent to the National Heritage. Martin spoke of the restrictions on the land due to endangered species and restrictions.

Marton spoke of the two conditions, fence placement on property and a one week notice before construction begins.

Marton pointed to the map showing where the wetlands and ponds where located. She also pointed out where they would fill in some wetlands that McIntyre questioned earlier. She spoke of elevations and suitable materials proposed to be used.

Marton also spoke of the proposed work.

She spoke of where they will fill in a wetland, and pointed out on the map where that will occur.

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Marton spoke of the various colors on the map, and what the colors represented; she also spoke of where buffer zones were located, and where they will be working within, and outside of the buffer zones.

McIntyre asked Martin to point out where they will be doing work closer than 50 feet of the wetlands. Marton pointed to those areas on the plan.

Koch asked various questions regarding the wetlands that were represented on the map, and asked of the light green colors that were shown on the map (100 foot buffer). Marton stated some of these areas where across the street.

Marton spoke of plantings proposed, layout and buffer zones that will be used on the property.

Eggleston walked up to the podium and stated that she was hired as a consultant (peer reviewer) for the Town of North Andover. She is working with the ZBA and Conservation, regarding drainage and stormwater management. She spoke of applicable regulations and guidelines.

Eggleston spoke of the letter (report) she submitted and outlined some of the details. She also spoke of the meeting that was held earlier in the week that Bombaci also spoke of.

She summarized each of the following; soil, infiltration and separations to ground water, dry swale, pavement, design parameters, and soil testing. Eggleston suggested that addition soil testing needed to be done.

Eggleston did not support the infiltration system.

Eggleston spoke of how the water is collected in the soil. Eggleston made a number of comments such as direct discharge runoff into the wetlands and that it was not allowed.

Eggleston also had concerns with the drainage, or lack of.

Eggleston thought the design was tight and dense. She also thought that much of this work was being done way too close to the wetlands. She thought it should be monitored to make sure it gets done correctly. Eggleston suggested a rigorous oversight will be needed when construction begins.

She also spoke of disturbance over an acre would need a special permit, and needs to be very detailed and specific to make sure that the wetlands are not impacted.

She also commented on the frequency of storms and also much larger storms that are happening more frequently now and also thought the information Bombaci spoke of is outdated information, and this report will in the future, be regenerated, to reflect more current weather conditions.

Byers asked Eggleston her thoughts on the culverts. Eggleston stated that if they are done correctly it should be okay.

Eggleston spoke of the pipes that should be inspected before construction.

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Liporto asked if these pipes were self maintaining. Eggleston stated no, that they need to be maintained by annually cleaning and periodic inspections.

Cuscia asked if it was not maintained what will happen. Eggleston responded that they will have issues in the future and the water would back up on the site.

Eggleston spoke of the snow storage and how plowed snow has sediments and pollutants in it and that there is no sufficient spot for the snow storage. There is very little area to store plowed snow; Eggleston stated that is definitely an issue.

McIntyre thought that they would lose parking with the stored snow and also had concerns with the chemicals in the snow. McIntyre was concerned with the chemical runoff. For that reason Eggleston stated, that is why the snow needs to be stored correctly.

Eggleston stated it will be difficult to store snow on this site safely because of all the wetlands on the area.

McIntyre stated that she had concerns with what was stated earlier on the proposal of moving a wetland. Eggleston thought that Hughes could best explain that. Eggleston stated that you can create them as well (wetlands).

Koch asked of direct discharge. Eggleston talked of how the discharge worked and the distance and also how you do not want to discharge or disrupt into a resource area.

Eggleston stated that they will be bringing in a bit of fill to build this development.

Liporto asked Eggleston with respect to the soil, how could this impact the study. Eggleston spoke of soil experts to verify and various testing and infiltrations need to be clarified.

McIntyre asked of the quality and type of soil, but Eggleston stated that is not her area of expertise.

Koch asked of drainage management and of flooding on Berry Street. Eggleston stated that the design calls for capturing the runoff to reduce the flow onto Berry Street.

Koch asked what will be visible as far as drainage; Koch asked if it will be unsightly. Eggleston stated that depending on how it is designed, they can use rain gardens and it sometimes gets incorporated into the landscape plans. Eggleston stated it will not be ugly or an eyesore.

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Byers asked of various other surfaces available for use in parking lots. Eggleston stated some use pervious pavement that have direct infiltration, some are good, and some are not. Eggleston stated that the soil here is not great, it is just okay.

Liporto asked if they plan on using pervious pavement.

Eggleston spoke of the process used to put pavement down.

Cuscia & Koch asked of the vegetation and maintenance. Eggleston stated that there is a process of monitoring, and replacement of plants and vegetation if needed. Eggleston stated Conservation does monitor this as well.

Bombaci walked up to the podium and stated that they will work to better demonstrate these concerns.

Jennifer Hughes walked up to the podium and stated that she is the Conservation Agent for the Town of North Andover. They have full jurisdiction of stormwater issues and management. They do construction monitoring of all their projects and that they will enforce violations if not maintained. Hughes spoke of snow storage issues. Hughes also spoke of the oversight during construction, such as a construction monitor.

McIntyre asked Hughes of the wetland that they plan on filling in and also the one they are creating. Hughes stated that it will not be functioning as a wetland if they fill it in.

McIntyre also spoke of her concerns with the parking lot and the oil from cars, since it is so close to the wetlands. Hughes stated it would not directly discharge into the wetland.

Koch asked of the snow management in general, how well it works, such as snow stock piling and no salt areas.

Hughes stated that they do get calls, and they do enforce, and they also do try and help applicants choose the best spot to place the snow.

Koch asked of what is meant by, "vigorous oversight"? Hughes stated that they do make sure that nothing is violated. Hughes also stated that they take pictures during the process of construction and also spoke of the Field Inspector who is also involved in the process. They also make sure that the applicant is doing what is required.

Byers asked who manages this oversight, Hughes stated Conservation manages this.

McIntyre opened the podium to the abutters.

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Jeff Moon of 141 Berry Street is the representative of the Berry Street Association. Moon stated that he feels this is an inappropriate development for the land. Moon talked of the history of proposed past projects on this site that never came to fruition. He spoke of conservation issues, endangered species, and habitat, talked of the flooding in the area, rising waters, wetlands, open spaces, drainage and also the high water tables in the area. Moon stated that the soil is not appropriate for such a large project. He also spoke of all the other affordable homes along the stretch of Route 114. This has resulted in many high water tables in the area. Moon had concerns with septic issues that may occur as a result of this proposed development. Moon referenced the packet that was submitted by the Berry Street Association in January 2013 and spoke of those concerns as well.

Debbie Labrie, of 25 Winsor Lane wanted to thank the Board for volunteering and being part of this volunteer Board. Labrie stated that she works in ecology and has lived at this property for over 8 years. Labrie spoke of the increase of cancer in her neighborhood. She felt that environmental factors must be the reason for this. Labrie was concerned with the toxins and contamination of the land, due to pesticides that were sprayed when it was the riding academy, and felt the EPA should be involved in testing the soil

Tom Perry, of 303 Berry Street walked up to the podium and had concerns with the ground water and how it would affect the wells. Most of this area relies on ground water for their wells. He also spoke of the toxins getting into the ground water and affecting the wells. This is a high density development and felt that this will affect the well water. He also asked if pets were allowed into this development, and that the pet waste could end up in the stormwater and had concerns with the bacteria associated with it.

Will Edwards, of 90 Winsor Lane spoke of the egrets he has seen in the ponds and the endangered species. He was concerned if other animals would be protected. Edwards spoke of the natural resources and the many variances requested by the developer.

Richard Mazzocchi, of 15 Stonewedge Circle spoke of waivers requested, height, setbacks, size of project and felt it was inappropriate and also unnecessary.

Patrick Levery, of 259 Campbell Road spoke of the ZBA granting of all these waivers and also spoke of the conservation issues. He had concerns of how this could be allowed by the Boards. Levery spoke of soil tests and various soil types. Levery had concerns with the monitoring of this property and also chemicals that were used in the past at the riding academy.

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Kevin Hocker, of 221 Campbell Road spoke of the variances and setbacks and felt it was much too dense for this area. He spoke of the flooding that has occurred during heavy rains on certain parts of the road. He also spoke of the snow and how close the parking area is to the pond.

Zoltan Poleretzyk, of 46 Oxbow Circle is not an abutter but is concerned with this area as well as the habitat. Poleretzyk stated that he has lost confidence in the developer and wants an appropriate oversight and wants to ensure that the property will be cared for and maintained appropriately. He also spoke of his concerns with all the waivers.

Eric Loth, Manager of North Andover Holdings, LLC walked up to the podium and spoke of the many concerns of the abutters and spoke of the second parcel of land. Loth spoke of the type of soil, as well as the requirements to have access to the cemetery and that they plan on working with the North Andover Historical Society.

Loth also spoke of meeting with the neighborhood. He also stated that if the property got sold in the future it would be managed professionally.

McIntyre asked if a 21E was performed. Loth stated one was done before they purchased the property. McIntyre stated that they did not have one in their packets.

McIntyre also spoke of a snow removal plan. Bombaci stated that they will get a more detailed plan.

Byers asked of available parking at the cemetery. Bombaci responded that there are at least 2-3 spots.

McIntyre suggested a site visit for the Board members should be set up, to view and walk the property.

Koch stated that this proposed plan seems very dense.

McIntyre talked of the next meeting on June 27th at 7:00 at the Senior Center, and that it will most likely cover landscaping and a continuation of traffic and design.

Byers made a motion to continue and adjourn the meeting

Koch Second the motion

Those voting in favor to were McIntyre, Byers, Koch, Cuscia, and Liporto

5-0

Adjournment: 9:42